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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,924	11/04/2003	Peng-Cheng Lai	MR1035-1330	3881
4586 7590 02/07/2007 ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			EXAMINER TORRES, JOSE	
			ART UNIT 2609	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 02/07/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/699,924

Applicant(s)

LAI ET AL.

Examiner

Jose M. Torres

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - Page 1 line 1: The Cross Reference to Related applications section is missing.
 - Page 1 line 14: "more approach" should be -- approach more --
 - Page 5 line 8: "computer system 30" should be -- computer system 10 --
 - Page 6 line 1: "printed 14" should be -- printer 14 --
 - Page 6 lines 18-19: "color management system 28" should be -- color management 34 --

Appropriate correction is required.

Claim Objections

2. Claim 5 is objected to because of the following informalities:
 - Line 3: "image of an photographed object" should be -- image of a photographed object --

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, and 6-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said computer system" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 is dependant upon itself. However, it appears to be dependant upon claim 5, and has been treated as such. Affirmation of this is required by the appropriate amendment.

Claim 7 recites the limitation "said computer system" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 is dependant upon itself. However, it appears to be dependant upon claim 7, and has been treated as such. Affirmation of this is required by the appropriate amendment.

Claims 9-11 are dependant upon claim 8.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramoto (US 7,006,691) in view of Schiraishi (US 6,999,200).

Muramoto teaches a method for uniformizing the output image colors of a printing device and the original colors (Col. 1 lines 8-14), comprising the steps of: using a computer (FIG. 1, "image data processing apparatus 20") to output a set of color patch print signals to a printing device (FIG. 1, "image output apparatus 30") for printing out a color patch diagram (FIG. 1, "color chart 32"); using said computer to convert said color image signal into a CIE XYZ chrominance signal according to said ICC profile of said digital still camera (Col 6 lines 25-36 and Col. 9 line 41 through Col. 10 line 8); and using said computer system to process said CIE XYZ chrominance signal and said set of color patch print signals to obtain an ICC profile of said printing device (Col. 8 lines 29-37), copying said ICC profile of said printing device into an ICC-compatible image software for color management and calibration (FIG. 1, "profile correction apparatus 100", Col. 7 lines 19-28) as recited in claims 1 and 7, said set of color patch print signals comprise signals in the RGB or CMYK mode or other signals specified by a printer (Col.

6 lines 25-36) as recited in claims 2 and 8, when performing color management and calibration, an input device (FIG. 2, "input apparatus 51") having an ICC profile (FIG. 2 "ICC profile 41) is used to capture the image of an photographed object and then input to an ICC color management system, said ICC profile of said input device is copied into said ICC color management system to convert the inputted image of said photographed object into a CIE XYZ chrominance signal according to said ICC profile of said input device, said CIE XYZ chrominance signal is then converted into a print signal according to said ICC profile of said printing device and then outputted to said printing device for printing out the image according to said printing signal (Col. 5 line 60 through Col. 6 line 36) as recited in claim 5 and said relative ICC profile is used to capture an image photographed by said digital still camera, said image is converted into a print signal and then outputted to said printing device for printing out the image according to said printing signal (Col. 5 line 60 through Col. 6 line 36) as recited in claim 11.

However, Muramoto fails to disclose using a digital still camera having an ICC profile to photograph said color patch diagram and then output a color image signal, said digital still camera photographs said color patch diagram in a uniform light source, said set of color patch print signals are predetermined values and said input device is selected from a group comprising a digital still camera and a scanner.

Schiraishi teaches using a digital still camera having an ICC profile to photograph said color patch diagram and then output a color image signal (FIG. 4, "image pickup means 35", Col. 3 lines 54-61 and Col. 7 line 46-56) as recited in claims 1 and 7, said digital still camera photographs said color patch diagram in a uniform light source (FIG.

4, "illuminating means **34**", Col. 7 lines 46-56) as recited in claims 3 and 9, said set of color patch print signals are predetermined values inputted to said printing device for printing out said color patch diagram (Col. 1 lines 31-47) as recited in claims 4 and 10, and said input device is selected from a group comprising a digital still camera and a scanner (FIG. 4, "image pickup means **35**", Col. 3 lines 54-61 and Col. 7 line 46-56) as recited in claim 6.

Therefore, in view of Shiraishi, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Muramoto's system by incorporating an image pickup device such as a CCD camera to photograph said color chart with uniform illumination, printing out predetermined values on said color chart and selecting the input device from the group comprising a digital still camera or a scanner in order to perform a skill-less color management process for printed materials.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Balonon-Rosen et al. disclose a System and Method for Deriving an Invertible Relationship Between Color Spaces Where the Intrinsic Mapping is One-to-Many for Use in a Color Profile Production System, Shu et al. disclose a Color Image Reproduction with Accurate Inside-Gamut Colors and Enhanced Outside-Gamut Colors, Yoda et al. disclose a Color Reproduction System, and Schwartz disclose a System for Creating a Device Specific Color Profile.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jose M. Torres whose telephone number is 571-270-1356. The examiner can normally be reached on Monday thru Friday: 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMT
01/30/2007


JONG SUK LEE
SUPERVISORY PATENT EXAMINER